

1 ROBERT W. FREEMAN, ESQ.
Nevada Bar No. 003062
2 E-Mail: Robert.Freeman@lewisbrisbois.com
PAMELA L. MCGAHA, ESQ.
3 Nevada Bar No. 008181
Email: Pamela.McGaha@lewisbrisbois.com
4 LEWIS BRISBOIS BISGAARD & SMITH LLP
6385 S. Rainbow Boulevard, Suite 600
5 Las Vegas, Nevada 89118
Telephone: (702) 893-3383
6 Fax: (702) 893-3789
Attorneys for Defendant
7 United Services Automobile
Association Casualty Insurance Company

8
9 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
10

11 ROOSEVELT WILLIAMS, individually,
12 Plaintiff,
13
14 vs.
15 UNITED SERVICES AUTOMOBILE
ASSOCIATION; DOES 1 through 10, ROE
16 ENTITIES 11 through 20, inclusive jointly
and severally,
17 Defendants.

CASE NO. 2:14-cv-02092-GMN-GWF
STIPULATION AND ORDER TO EXTEND
DISCOVERY DEADLINE
(SECOND REQUEST)

18 Pursuant to LR 6-1 and LR 26-4, the parties, by and through their respective
19 counsel of record, hereby stipulate and request that this Court extend discovery in the
20 above-captioned case ninety (90) days, up to and including December 11, 2015. In
21 addition, the parties request that the dispositive motions and pretrial order deadlines be
22 extended for an additional ninety (90) days as outlined herein. In support of this
23 Stipulation and Request, the parties state as follows:
24

- 25 1. On December 11, 2014, Defendant removed the instant action to Federal
26 Court.
27 2. On December 11, 2014, Defendant filed its Answer to Plaintiff's Complaint
28

1 with Federal Court.

2 3. On December 29, 2014, Defendant filed its Statement Regarding Removal.

3 4. On February 2, 2015, the parties prepared and the Court then entered a
4 Discovery Plan and Scheduling Order (the Order).

5 5. On February 3, 2015, Plaintiff served his initial document and witness
6 disclosures.

7 6. On March 10, Defendant served it's initial document and witness
8 disclosures.

9 7. On March 20, 2015, Defendant served written discovery on Plaintiff.

10 8. On April 16, 2015, Plaintiff served written discovery on Defendant.

11
12 **DISCOVERY REMAINING**

13 1. Defendant will take the deposition of Plaintiff.

14 2. Plaintiff will take the deposition of Defendant's representatives.

15 3. The parties will collect Plaintiff's medical and billing records.

16 4. The parties will take the depositions of the designated expert witnesses.

17 5. The parties will take the depositions of Plaintiff's medical providers.

18 6. The parties will take the depositions of any and all other witnesses garnered
19 through discovery.
20

21 This Request for an extension of time is not sought for any improper purpose or
22 other purpose of delay. Rather, it is sought by the parties solely for the purpose of
23 allowing sufficient time to conduct discovery.
24

25 **WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

26 The parties are in the process of serving and responding to written discovery
27 requests. The parties anticipate that Defendant will need to collect Plaintiff's medical
28 records once medical authorizations are provided to Defendant. Since Plaintiff is alleging

1 significant neurological injuries as a result of the accident, in addition to neck and back
 2 injuries, it will be necessary for all medical records to be obtained in order for Defendant
 3 to adequately assess expert retention for this case. The parties also anticipate Plaintiff
 4 will request to take the deposition of one or more of Defendant's employees involved in
 5 handling Plaintiff's underinsured motorist claim ("UIM claim"). Defendant's employees
 6 are located out of state, so it will require travel by the parties for the depositions. The
 7 parties will also need to schedule the depositions of Plaintiff, Plaintiff's treating physicians
 8 as well as the depositions of any expert witnesses.

9 Also, Counsel for Defendants has had an unexpected death in his family that has
 10 and will significantly limit his availability. In addition to these family obligations, counsel
 11 for defendant has been involved in preparing motions for summary judgment in *Shimeka*
 12 *Graham v. City of North Las Vegas, 2-13-cv-1815-KJD-VCF* and *Plank v. Las Vegas*
 13 *Metropolitan Police Department, 2-12-cv-02205-JCM-PAL*. Additionally, counsel for
 14 defendants is preparing an opening brief in *Koiro v. Catanese, Appeals Docket No. 14-*
 15 *17514*. Counsel for defendants has been preparing for oral argument in the *Nevada*
 16 *Supreme Court in the Eighth Judicial District Court v. Ronald Fox, No. 66114*. Finally
 17 counsel will be traveling in June and July 2015 for multiple out of state depositions.

18 The parties have conferred regarding discovery for this case and it appears the
 19 parties can work together to complete the discovery requested with additional time
 20 allowed by this court.

21 Extension or Modification of The Discovery Plan and Scheduling Order. LR 26-4
 22 governs modifications or extension of this discovery plan and scheduling order. Any
 23 stipulation or motion must be made no later than twenty-one (21) days before the
 24 expiration of the subject deadline, and comply fully with LR 26*-4.

25 ...

26 ...

27 ...

28 ...

The following is a list of the current discovery deadlines and the parties' proposed extended deadlines.

Scheduled Event	Current Deadline	Proposed Deadline
Discovery Cut-off	September 11, 2015	December 11, 2015
Extension of Discovery Deadline	June 17, 2015	September 17, 2015
Expert Disclosure pursuant to Fed R. Civ. P. 26 (a)(2)	July 10, 2015	October 9, 2015
Rebuttal Expert Disclosure pursuant to Fed. R. Civ. P. 26(a)(2)	August 11, 2015	November 11, 2015
Interim Status Report	July 10, 2015	October 9, 2015
Dispositive Motions	October 12, 2015	January 12, 2016, or at least thirty (30) days after the close of discovery
Joint Pretrial Order	November 10, 2015	February 10, 2015, or at least thirty (30) days after the decision of last Dispositive Motions

This Request for an extension of time is not sought for any improper purpose or other purpose of delay. Rather, it is sought by the parties solely for the purpose of allowing sufficient time to conduct discovery in this case and adequately prepare their respective cases for trial.

This is the First request for extension of time in this matter. The parties respectfully submit that the reasons set forth above constitute compelling reasons for the short extension.

...

...

...

...

...

1 WHEREFORE, the parties respectfully request that this Court extend the discovery
2 period by ninety days (90) days from the current deadline of September 11, 2015 up to
3 and including December 11, 2015 and the other discovery dates as outlined in
4 accordance with the table above.

5
6 DATED this 16th day of June, 2015.

DATED this 16th day of June, 2015.

7 LEWIS BRISBOIS BISGAARD & SMITH

RICHARD HARRIS LAW FIRM

8 /s/ Robert W. Freeman

/s/ A.J. Sharp

9 Robert W. Freeman, Jr., Esq.

A.J. Sharp, Esq.

10 Nevada Bar No. 3062

Nevada Bar No. 11457

Pamela L. McGaha, Esq.

801 S. Fourth Street

11 Nevada Bar No. 8181

Las Vegas, Nevada 89101

6385 S. Rainbow Blvd., Suite 600

Attorneys for Plaintiff

12 Las Vegas, Nevada 89118

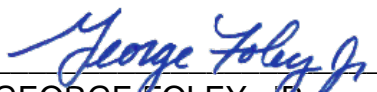
Attorneys for Defendant

13 State Farm Mutual Insurance Company

14 ORDER

15 IT IS SO ORDERED.

16 Dated this 17th day of June, 2015.

17
18 
19 GEORGE FOLEY, JR.
United States Magistrate Judge